

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 8834 OF 2016

Mayuri w/o. Lakhan Agrawal .. Petitioner
Age. 25 years, Occ. Nil,
R/o. Dargah Road, Manas Nagar,
Parbhani
At present :
C/o. Gaurishankar Devkinandan Agrawal
Hariprasad Mangal Karyalaya,
Near G.P.O. Parbhani,
Tq. Dist. Parbhani.

Versus

Lakhan s/o. Gopal Agrawal .. Respondent
Age. 26 years, Occ. Business,
R/o. Dargah Road, Manas Nagar,
Parbhani, Tq. & Dist. Parbhani.

Mr.P.N. Kalani, Advocate for the petitioner.
Mr.V.A. Bagdiya, Advocate for sole respondent.

CORAM : S.B. SHUKRE, J.

DATED : 13.02.2017

ORAL JUDGMENT :-

1. Heard. Rule. Rule made returnable forthwith and heard finally by consent.

2. The impugned order dated 13.06.2016 manifestly does not take into consideration the material fact that there is no denial specifically made by the respondent to the averments that he is very much into running of various family businesses and that whether the denials

made by him are only of general nature.

3. The impugned order does not consider another important fact and it is of maintaining silence by respondent about his own occupation or business and monthly earnings. In-fact, it appears from the record that the respondent carries on different kinds of business belonging to his family and therefore, it can be presumed that his earnings are quite handsome. The respondent also knows that his wife is bedridden due to ailment of muscular disorder. Admittedly, daughter of these parties presently is in the custody of the petitioner. She is four years of age and soon she is required to be admitted to Nursery school. Thus, the expenses of the petitioner are also going to increase. I am, therefore, of the view that some more amount by way of interim maintenance ought to have been granted by the Trial Court to the petitioner. At this stage, learned Counsel for the respondent, on instructions, submits that the respondent would be additionally paying Rs.10,000/- (Rupees Ten Thousand) per month by way of interim maintenance, if final disposal of the proceedings before the Trial Court is expedited.

4. In view of above, the writ petition is allowed. The impugned order is set aside. It is directed that the

respondent shall pay to the petitioner, by way of interim maintenance, an amount of Rs.10,000/- (Rupees Ten Thousand) in addition to the amount of Rs.10,000/- directed to be paid by way of interim order passed by the Sessions Court, Parbhani in Criminal Application No. 16 of 2016. This additional amount shall be payable from the date of the application filed under section 24 of the Hindu Marriage Act. The proceedings of H.M.P. No.293 of 2015 shall be disposed of finally as early as possible, preferably within four months from the date of this order.

5. Rule made absolute accordingly. No costs.

[S.B. SHUKRE, J.]